

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.105 and chapter 554D, the Environmental Protection Commission hereby adopts new Chapter 15, “Cross-Media Electronic Reporting,” Iowa Administrative Code.

The purpose of adopted new Chapter 15 is to adopt the U.S. Environmental Protection Agency’s (EPA) electronic reporting requirements for programs under Title 40 of the Code of Federal Regulations. EPA’s Cross-Media Electronic Reporting Rule (CROMERR) was born out of EPA’s goal to make electronic reporting and electronic record keeping available under authorized programs. EPA expects that CROMERR will (1) reduce the cost and burden of data transfer and maintenance for all parties to the data exchanges; (2) improve the data and the various business processes associated with its use; and (3) maintain the level of corporate and individual responsibility and accountability for electronic reports and records that currently exist in the paper environment.

CROMERR applies to states, tribes, and local programs that administer or seek to administer authorized programs under Title 40 and establishes standards for acceptable electronic document receiving systems against which EPA will assess authorized program electronic reporting elements. These standards address six function-specific categories: (1) system security; (2) electronic signature method; (3) submitter registration; (4) signature/certification scenario; (5) transaction record; and (6) system archives.

CROMERR impacts 40 CFR Parts 3, 9, 51, 60, 61, 63, 64, 69, 70, 71, 123, 142, 145, 162, 233, 257, 258, 271, 281, 403, 501, 745 and 763. This rule making impacts electronic data currently received or planned to be received in federally mandated programs in the Environmental Services Division of the Department. Programs already receiving electronic information must modify the system(s) or create new systems to be compliant with CROMERR standards.

CROMERR does not require regulated entities to submit electronic data or require programs to accept electronic data; however, it requires that any Title 40-authorized program that chooses to use electronic submission rather than paper for reporting purposes must receive EPA approval of program revisions or modifications that address any Title 40-authorized program’s electronic reporting implementations. As a result, programs accepting or planning on accepting submission of electronic documents must submit an application as required by 40 CFR Part 3 for EPA review and approval. Adoption of this rule is required for the CROMERR application to EPA.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 13, 2010, as **ARC 8467B**. A public hearing was held on February 15, 2010. No comments were received during the public comment period. Several nonsubstantive changes have been made to the rule published under Notice of Intended Action. Paragraph 15.1(4)“b” has been clarified without changing the intent of the rule. Paragraph “b” now reads as follows:

“b. Form and content of agreement. All agreements shall be in writing and filed with the electronic document receiving system administrator via a mail delivery service or by hand delivery. The agreement shall include the information and follow the format as defined by the department. The agreement form may be downloaded and printed for signing during the signatory’s registration process.”

The language of subparagraph 15.1(5)“b”(2) has been changed to omit reference to the state of Iowa from the reporting requirement. In addition, the implementation sentence, which was inadvertently omitted from the Notice, has been added to Chapter 15.

This rule is intended to implement Iowa Code section 455B.105 and chapter 554D.

This amendment will become effective on May 12, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this rule [Ch 15] is being omitted. With the exception of the changes noted above, this rule is identical to that published under Notice as **ARC 8467B**, IAB 1/13/10.

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[For replacement pages for IAC, see IAC Supplement 4/7/10.]